

REMARKS/DISCUSSION:

This Amendment B is being filed within three months after the shortened statutory period for response that ended on November 9, 2006. Accordingly, a Petition for a Three-Month Extension of Time is made a part of the transmittal letter attached hereto or electronic transmission. Applicants are also filing a Request of Continued Examination concurrent herewith.

Claims 16-22 remain pending in this application.

Amendment and/or cancellation of claims are not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

To the extent that the present amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserves all rights and arguments. While Applicant has noted several distinctions over the art of record, Applicant notes that several other distinctions exist, and Applicant preserves all rights and arguments with respect to such distinctions.

Information Disclosure Statement

Applicants acknowledge the Examiner's statement regarding an IDS. Applicants note that an IDS was submitted in this case, albeit, two days before the mailing of the current Office Action (Aug. 9, 2006).

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under 35 U.S.C. § 102(e)

Claims 16-18, 20 and 22 stand rejected as being anticipated by U.S. Patent Publication US2003/0135087 to Hickle et al. as recited in the office action.

Applicant respectfully transverses the Examiner's rejection of Claims 16-18, 20 and 22, because, according to Applicant's understanding, the Hickle et al. reference neither teaches nor suggests all of the elements of the Applicant's invention. Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim, and the elements must be arranged as required by the claim. Under this standard, Applicant submits that Hickle et al. fails to anticipate amended independent claim 16.

The Hickle et al. reference does not, according to Applicant's understanding, teach or suggest a **first** microprocessor-based patient unit having at least one second connection point to a **second** micro processor-based procedure unit. For explanation of the different microprocessor-based units, Applicants direct the Examiner's attention to paragraphs 31-35, 39 and Fig. 6 of the specification.

Nor has the Examiner identified any portion of the Hickle et al. reference that teaches Applicant's claimed structure or even discloses an appreciation of a patient unit in combination with a procedure unit. Accordingly, Applicant respectfully requests reconsideration of this rejection.

Applicants fully considered the Examiner's Response to Arguments in the Office Action, but are unable to understand the Examiner's contention that Hickle et al. disclose "several processor-based units (8, 7, 4 and 1)." Applicants fail to understand how element 8 "patient" can be considered a processor-based unit. The Hickle et al. disclosure is replete with reference to element 8 "patient" as a living creature. See for example, "data from patient monitors (e.g., heart rate, blood pressure, SpO₂, ETCO₂, and automated

responsiveness testing (“ART”))” (para 0011); and “provide sedation and/or analgesia to patient 8 (para. 61). Nowhere does Hickle et al. disclose or suggest that element 8 “patient” is a processor-based unit.

Applicants fail to understand how element 7 “patient interface” can be considered a processor-based unit. The Hickle et al. disclosure is replete with reference to element 7 “patient interface” as one or more patient monitors. See for example, “data from patient monitors (e.g., heart rate, blood pressure, SpO₂, ETCO₂, and automated responsiveness testing (“ART”))” (para 0011); and “Delivery system 2 may also be provided with automated responsiveness testing (ART), ***an example of patient interface 7***” (para. 61, ***emphasis added***). Nowhere does Hickle et al. disclose or suggest that element 7 “patient interface” is a processor-based unit.

Applicants fail to understand how element 1 “User Interface (“UI”)” can be considered a processor-based unit. The Hickle et al. disclosure is replete with reference to element 1 “UI” as a means for interfacing with a clinician and consists of an interactive device such as a touch screen capable of displaying several different windows . . . for exhibiting information about or interacting with the processes . . . and a separate keypad consisting of several buttons . . . (para. 0010). Nowhere does Hickle et al. disclose or suggest that element 1 “UI” is a processor-based unit.

Applicants certainly acknowledge that the User Interface 1, Drug Delivery 9, Patient Interface 7 all connect or interface with Controller 4; however, Hickle et al. fail to disclose or suggest a second microprocessor-based unit in communication with the first microprocessor-based unit.

Applicants have amended claims 16 and 17 to particularly recite a first microprocessor-based patient unit and a second microprocessor-based procedure unit. For support of the amendments and explanation of the different microprocessor-based units, Applicants direct the Examiner’s attention to paragraphs 31-35, 39 and Fig. 6 of the specification.

Based on dependency, claims 17, 18, 20 and 22 are also patentable over Hickle et al.

Rejection under 35 U.S.C. § 103

Claims 19 and 21 stand rejected as being unpatentable over Hickle et al. in view of Hickle (6,807,965) as stated in the office action. Based on the previous discussions, Hickle et al. nor Hickle, alone or in combination, disclose or suggest the claimed invention. Reconsideration is requested.

Conclusion

Applicant submits that in view of the discussion, the rejections under 35 U.S.C. §§ 102(e) and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5011NP/VEK.

Respectfully submitted,

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